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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/599,432

09/28/2006

Akihiro Toshima

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04/07/2008

DARBY & DARBY P.C.

P.O. BOX 770

Church Street Station

New York, NY 10008-0770

EXAMINER

DIAZ, THOMAS C

ART UNIT

PAPER NUMBER

4171

MAIL DATE

DELIVERY MODE

04/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,432	Applicant(s) TOSHIMA ET AL.	
	Examiner Thomas Diaz	Art Unit 4171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/16/2007, 07/16/2007, 10/26/2006, 09/28/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Applicant claims: "a bracket having a fitting hole into which said tube part is fitted and attaching said housing to a car body,". It is unclear whether the applicant is referring to said housing part being attachable to a car body or being attached to a car body. For purposes of examination the examiner takes the position that the applicant is referring to said housing as being attachable to a car body.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

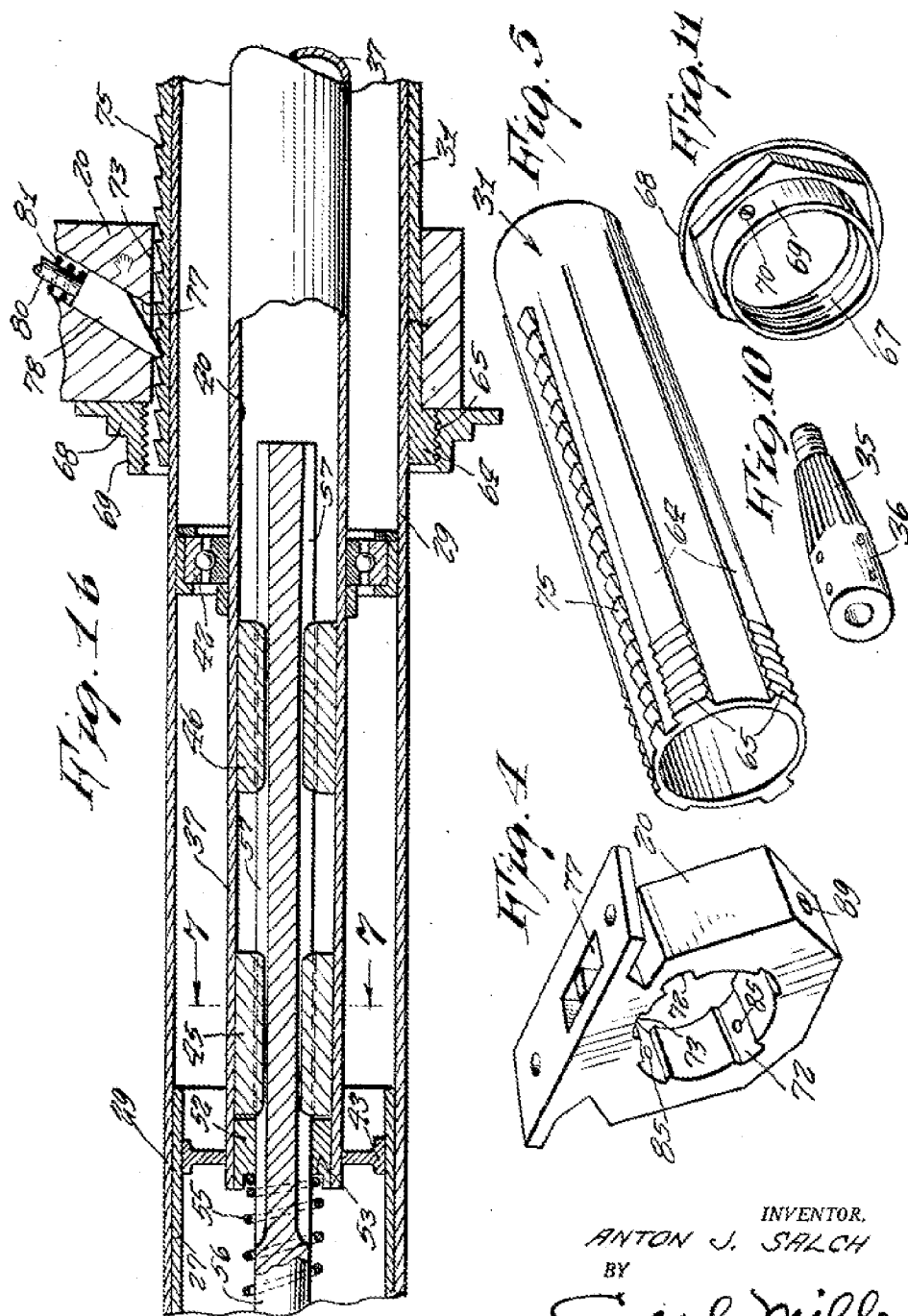
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Salch USP 2836079. Salch discloses a similar device (see figures below) comprising:

- A steering drive shaft corresponding to fig. 16, # 56.
- A housing having a tube part corresponding to fig. 5, # 31.
- A bracket having a fitting hole corresponding to fig.4, and having a recess corresponding to fig. 4, # 72. The fitting hole isn't labeled but is clearly depicted in fig. 4 as the space where the tube collar would be fitted. In addition, these components are attached to the vehicle as disclosed Col.1 Line 72 - Col.2 Line 3.
- An escape preventing protrusion on said tube part corresponding to fig.5, # 64,65,75.
- A recess is a circular groove corresponding to fig. 4, # 72. As depicted in the picture the recesses are circular because they have an arch shape.
- Said metal tube part as disclosed via the crosshatching depicted in figure 16, # 31.

Art Unit: 4171

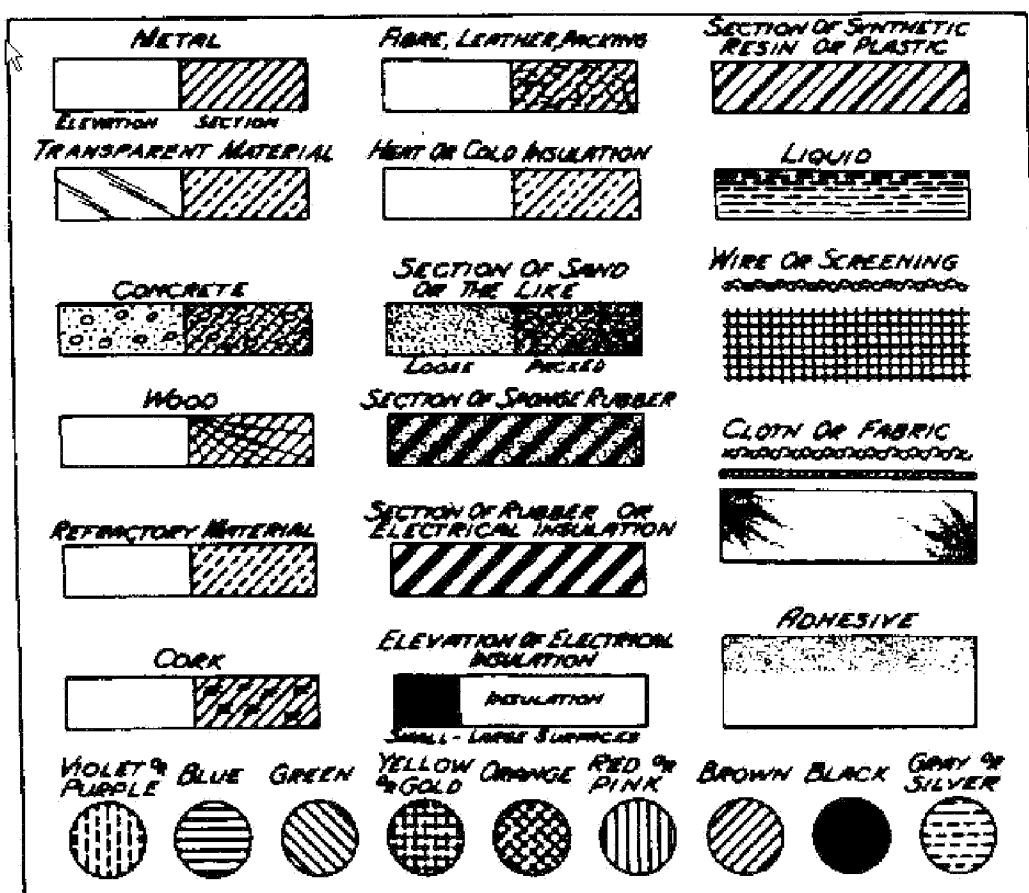


INVENTOR,
ANTON J. SALCH
BY
Carl Miller
ATTORNEY

Art Unit: 4171

6. Regarding claim 3, at the time of the invention disclosed by Salch, composites were few and not typically used for mechanical parts of this type. Metal was necessarily the material of choice for apparatus such as steering mechanisms which need to be durable and wear resistant.

In addition, Section 608.2 of the MPEP depicts a legend for drawing symbols, seen below, such as the cross-hatching used in Salch. Therefore, the examiner has reason to believe that the materials taught by Salch would inherently be metal.



Applying this legend the material would clearly be metal.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salch in view of Rood (USP 2479702).

Regarding claim 1, Salch discloses all of the claimed subject matter as described above.

Salch does not disclose how the escape preventing protrusion is manufactured and how it is bent into the recess. The tube part disclosed in Salch could have been made via casting or machining.

Rood teaches a method in which pipes are coupled via a mechanism that bends the inside of the pipe outward creating a protrusion as seen below.

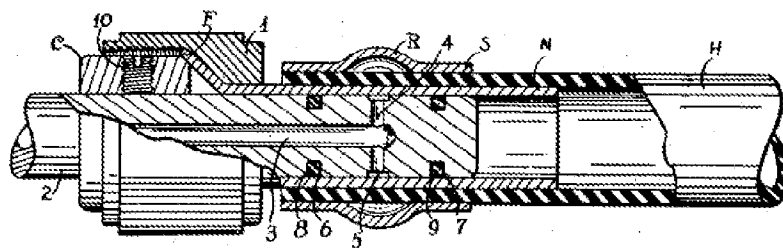


Fig. 1

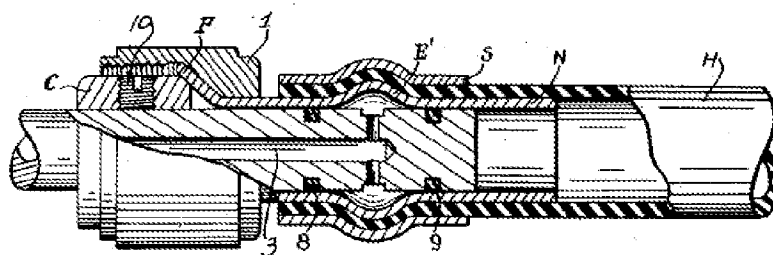


Fig. 2

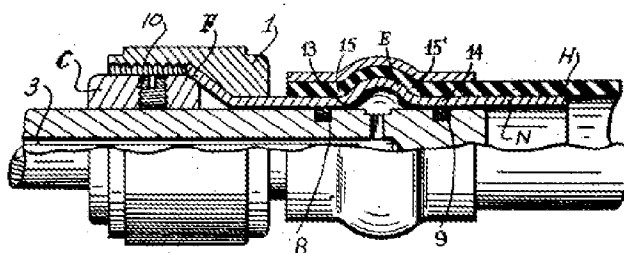


Fig. 3

INVENTOR.
ALVIN A. ROOD

BY *Ridgely & Watts*

ATTORNEYS

It would have been obvious to one having ordinary skill in the art at the time of the invention to use the method and/or apparatus disclosed by Rood to manufacture the tube part housing (31) disclosed in Salch and therefore bend the tube part into said recess. The method disclosed by Rood was a standard way to create grooves or protrusions in pipe or tube like structures.

Regarding claim 4, Salch discloses the fully assembled device in fig. 16. It would have been obvious to one of ordinary skill in the art at the time of the invention to fit tube part into the bracket and attach said bracket to a car. In addition, the same argument as given above for bending the tube part disclosed in Salch is applicable.

9. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salch.

Regarding claim 2, Salch discloses a bracket with a plurality of recesses which are clearly depicted as being circular or having an arch shape. In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the circular grooves depicted on the tube part (fig. 5, # 65) in the bracket.

Regarding claim 3, Salch is silent with respect to the materials used. However, at the time the prior art was constructed most mechanical automobile parts were produced from metal. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have produced the structures taught by Salch out of metal to produce a durable functional part.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art contains additional methods for manufacture of protrusions in pipes. Also, a few of the prior art contain steering apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Diaz whose telephone number is (571)270-5461. The examiner can normally be reached on Monday-Friday 7:30am-6:00pm, Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Tarazano can be reached on (571)272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. Lawrence Tarazano/
Supervisory Patent Examiner, Art Unit 4174

Thomas Diaz
Examiner
Art Unit 4171